

## **REMARKS / ARGUMENTS**

Applicant respectfully requests the cancellation of claims 11, 16, 20, and 22, as well as permission to amend claims 1-4, 6-10, 12, 15, 17-19, and 21 after final rejection pursuant to Rule 1.116.

Applicant gratefully acknowledges the Examiner's indication on page 14 of Paper No. 9, wherein the Examiner notes that "Applicant's claim as currently written does not preclude a spinnerette body comprised of two structures together." Prior to this indication by the Examiner, the Applicant was uncertain as to which particular aspect of the present invention, as originally disclosed in the specification and the drawings, it was necessary to emphasize in order to overcome the Examiner's rejections with reference to the prior art of record.

As these proposed amendments neither introduce new matter, require further searching of the prior art by the Examiner, nor raise any questions of support under 35 U.S.C. § 112, Applicant respectfully requests that these proposed amendments be entered and reconsideration is respectfully requested.

### **In the Claims**

Claims 1-4, 6-24 are pending in this application. Claim 5 had previously been cancelled. Claim 25 had previously been withdrawn from consideration.

In this response, claims 11, 16, 20 and 22 have been currently cancelled, and claims 1-4, 6-10, 12, 15, 17-19, and 21 are currently amended. Claims 13 and 14 remain as originally filed, and claims 23 and 24 have been previously amended.

Claims 1 and 12 have been amended to include the limitation that the spinnerette body be of a unitary design. Support for this amendment may be found in Figure 2 and Figure 3, where it is illustrated that the spinnerette body 110, is to be manufactured from a single piece of material. One of ordinary skill in the art of metal fabrication and machining would find that this is unambiguously indicated by the consistent hash-marking over the entirety of spinnerette body 110, indicating a single piece of material.

Further support for this amendment can be found in the specification, generally between page 6, line 12 through page 7 line 25, wherein it is stated that:

- “A proximal end of each needle 130 is secured in a respective needle mounting hole 111 *formed in spinnerette body 110.*” (page 6, lines 12 through 13, emphasis added)
- “Bore forming fluid passage 112 is *formed in spinnerette body 110,* ...” (page 7, line 1, emphasis added)
- “Core forming material passages 150 are *formed in spinnerette body 110, ...*” (page 7, line 8, emphasis added)
- “Sheath forming material inlet port 142 and sheath forming material passage 143 are *formed in spinnerette body 110 ...*” (page 7, lines 19 and 20, emphasis added)
- “Each core forming material passage 150 also includes a transverse passage 152 that extends from core forming inlet port 151 to a top portion of annular passage 153 that extends from core forming inlet port 151 to a top portion of annular passage 153 that *defines the upper portion of extrusion orifice 155.*” (page 7 lines 12 through 14, emphasis added)

Therefore, all the elements of claims 1 and 12 are clearly indicated to have been formed in, and hence part of, the same, unitary spinnerette body.

Claims 2, 3, 6-10, 15, 17-19, and 21 have been amended to address issues of antecedence.

#### **Claim Rejections Under 35 U.S.C. § 102**

Claims 1-4 and 6-10 stand rejected under 35 U.S.C. § 102 (b) as being anticipated by Moore, Sr. '512. Applicant respectfully contends that the present invention is not anticipated by Moore, Sr. '512.

Applicant has amended independent claim 1 to introduce the limitation that the spinnerette body be of a unitary design. As this limitation is not found in Moore, Sr. '512, this amendment renders such rejection moot.

#### **Claim Rejections Under 35 U.S.C. § 103**

Claim 11 stands rejected under 35 U.S.C. § 103 (a) as being unpatentable over Moore, Sr. '512 in view of Ando et al '044. Applicant has cancelled claim 11, and this rejection has been rendered moot.

Claims 12-15, and 17-21 and 23 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over Moore, Sr. '512. Applicant respectfully contends that claimss 12-15, and 17-21 and 23 are not unpatentable over Moore, Sr. '512.

Applicant has amended independent claim 12 to introduce the limitation that the spinnerette body be of a unitary design. As this limitation is not found in Moore, Sr. '512 this amendment renders such rejection moot. As Applicant has cancelled claim 20, this rejection has been rendered moot.

Claim 22 stands rejected under 35 U.S.C. § 103 (a) as being unpatentable over Moore, Sr. '512 in view of Ando et al '044. Applicant has cancelled claim 22, thus rendering this rejection moot.

Applicant has amended independent claim 12 to introduce the limitation that the spinnerette body be of a unitary design. As this limitation is found in neither Moore, Sr. '512 nor Ando et al '044, this amendment renders such rejection moot.

Claim 24 stands rejected under 35 U.S.C. § 103 (a) as being unpatentable over Moore, Sr. '512 in view of Ogata '571. Applicant respectfully contends that claim 24 is not unpatentable over Moore, Sr. '512 in view of Ogata '571.

Applicant has amended independent claim 12 to introduce the limitation that the spinnerette body be of a unitary design. As this limitation is found in neither Moore, Sr. '512 nor Ogata '571, this amendment renders such rejection moot.

### **Obviousness Type Double Patenting Claim Rejections**

Claims 1-4, 6-9, and 24 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4 and 6-10 of copending Application number 09/733,304 in view of Moore, Sr. Applicant respectfully submits that this rejection has been overcome by the concurrent filing of a Terminal Disclaimer.

Claim 11 stands rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4 and 6-10 of copending Application number 09/733,304 in view of Moore, Sr, and further

in view of Ando et al '044. Applicant has cancelled claim 11, and this rejection has been rendered moot.

Claims 12-15, 17-21, 23 and 24 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4 and 6-10 of copending Application number 09/733,304 in view of Moore, Sr. Applicant respectfully submits that this rejection has been overcome by the concurrent filing of a Terminal Disclaimer.

Claim 22 stands rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10 of copending Application number 09/733,304 in view of Moore, Sr, and further in view of Ando et al '044. Applicant has cancelled claim 22, and this rejection has been rendered moot.

## CONCLUSION

In view of the current amendments, the present application now stands in condition for allowance. Early notice to this effect is earnestly solicited.

Should the Examiner believe that a telephone call would expedite prosecution of the application, he is invited to call the undersigned attorney at the number listed below.

Respectfully submitted,



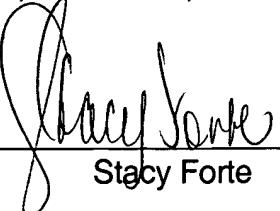
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**CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 8<sup>th</sup> day of September, 2003.

  
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Stacy Forte